

RECEIVED  
CENTRAL FAX CENTER

JUL 12 2006

Chris Keirs  
832-446-2406  
Ckeirs@counselip.com

## FAX TRANSMISSION COVER SHEET

Date: 7/12/2006 10:43 AM

To: USPTO

Fax: 571 273-8300

From: Chris Keirs

Client/Matter #: 221-0078US

Re: s/n 10/826,883

Pages (including cover page): 7

---

### COMMENTS:

Attached for filing in connection with application serial no. 10/826,883 filed 04/16/2004 and entitled Junction Plate for Subsea Hydraulic Couplings:  
3-page Arguments in Support of Pre-Appeal Request for Review  
1-page Form PTO/SB/33 Pre-Appeal Brief Request for Review  
1-page Form PTO/SB/31 Notice of Appeal  
1-page duplicate of Form PTO/SB/31

### CONFIDENTIALITY NOTICE

This communication is only for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly prohibited. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original to us at the above address. Thank you.

RECEIVED  
CENTRAL FAX CENTER

JUL 12 2006

PTO/SB/33 (07/05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) <b>221-0078US</b>	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>12 JULY 2006</u> Signature <u>Christopher Keirs</u> Typed or printed name <u>Christopher D. Keirs</u>		Application Number <b>10/826,883</b>	Filed <b>April 16, 2004</b>
		First Named Inventor <b>Robert E. Smith III</b>	
		Art Unit <b>3679</b>	Examiner <b>Bochna, David</b>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>32,248</u>		Signature <u>Christopher D. Keirs</u> Typed or printed name <u>Christopher D. Keirs</u> Telephone number <u>832/446-2400</u> <u>12 JULY 2006</u> Date	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>2</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

JUL 12 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert E. Smith III

Serial Number: 10/826,883

Filed: 04/16/2004

For: JUNCTION PLATE FOR SUBSEA  
HYDRAULIC COUPLINGS§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Confirmation No. 1438

Examiner: David Bochna

Group art unit: 3679

Atty Docket No. 221-0078US

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450**ARGUMENTS IN SUPPORT OF PRE-APPEAL REQUEST FOR REVIEW**

The following claims stand rejected in the subject application:

1. A junction plate for hydraulic couplings comprising:
  - a cam actuator;
  - a drive mechanism comprising a gear train coupled to the cam actuator; and,
  - a cam carrier coupled to the drive mechanism and having at least one cam follower.
2. A junction plate as recited in claim 1 wherein the cam actuator comprises a handle.
4. A junction plate as recited in claim 1 wherein the cam actuator comprises a crank.

## CERTIFICATE OF TRANSMISSION

I hereby certify that this document together with any papers referred to herein as "enclosed" or "attached" is being sent by facsimile machine to telephone number 571 273-8300 on the date written below.

By: 

Christopher D. Keirs, Reg. No. 32,248

Date: 12-JULY 2006

s/n 10/826,883  
221-0078US

9. A junction plate as recited in claim 1 wherein the cam follower is integral with the cam carrier.
10. A junction plate as recited in claim 1 further comprising a handle for manipulating the junction plate.

Rejections under §102

The final Office Action rejected claims 1, 2, 4 and 9 – 10 under §102(e) as being anticipated by U.S. Patent No. 6,595,552 to Mortari. The Office Action contends that element 20 of Mortari is a cam actuator and that element 14 is a cam carrier with at least one cam follower 15.

The coupling device described in Mortari has no cams, cam actuators, cam carriers or cam followers. Mortari simply uses a gear-driven, threaded shaft which engages an internally-threaded bushing ["bush"] to effect movement of the supporting plates.

Finally, the movable plate 13 is provided with a threaded member for coupling to the head 15 of the shaft 14, which is constituted by an internally threaded bush 39 which is contained, with a slight play for orientation, within a cover-shaped support 40 rigidly coupled to the movable plate 13. [col. 3; lines 10-15]

When the two threaded elements 15 and 39 are close one another, the actuator 24 is deactivated and the motor 20 is activated, turning the shaft 14, which screws onto the bush 39, and allowing the connection of the connectors 11. [col. 3; lines 26-29]

Each of claims 1, 2, 4 and 9 – 10 requires a cam carrier having at least one cam follower. Since these elements are not found in the coupling device described in Mortari, none of these claims is anticipated by Mortari.

s/n 10/826,883  
221-0078US

The Office Action rejected claim under §102(e) as being anticipated by U.S. Patent No. 6,805,382 to Jennings. The Office Action contends that “components 22 and 24 work to translate rotational motion of 22 into longitudinal motion of plate 12, making 22 and 24 a gear train.”

There is no gear or gear train in the flowline connector described in Jennings. A “gear” is defined as “a toothed wheel” [Merriam-Webster’s *Collegiate Dictionary*, 10<sup>th</sup> ed.].

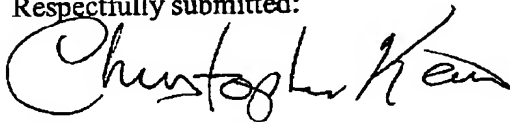
There is no toothed wheel in the device described in Jennings. Element 22 in Jennings is a jack screw. Element 24 is a jack nut.

Jack screws 22 extend from an upper end of frame 12 and are rotatably secured in landing bases 16. The upper ends of jack screws 22 extend through jack nuts 24 rigidly attached to the upper surface of frame 12. In the preferred embodiment, each arm 14 has one of the landing bases 16 and one of the jack screws 22. Each jack screw 22 secures to landing base 16 and extends upward through an upper end of arm 14 through jack nut 24 attached to an upper surface of arm 14 as shown in FIG. 2. Jack screws 22 have polygonal upper ends. [col. 2; lines 56-65]

Lacking a gear train, Jennings cannot anticipate claim 1.

There being a clear deficiency in the prima facie case in support of the rejection – limitations in the claims are not met by the cited references – it is submitted that claims 1, 2, 4, 9 and 10 are in condition for allowance.

Respectfully submitted:



Christopher D. Keirs  
Reg. No. 32,248  
Attorney for Applicant(s)  
Wong Cabello Lutsch Rutherford & Brucculeri LLP  
20333 State Hwy. 249 Suite 600  
Houston, TX 77070  
832 446-2406  
Fax: 832 446-2424  
ckeirs@counselip.com